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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 JUN 30 AM 11:28

UNITED STATES OF AMERICA,	)	Magistrate Docket No. **08 MJ 1996**
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF:
v.	)	DEPUTY
	)	Title 8, U.S.C., Section 1326
Abigail ALVAREZ-Licea,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **June 29, 2008** within the Southern District of California, defendant, **Abigail ALVAREZ-Licea,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **30th** DAY OF **JUNE, 2008**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Abigail ALVAREZ-Licea

PROBABLE CAUSE STATEMENT

On June 29, 2008, Border Patrol Agent C. Llamas was conducting line watch operations in an area known as the "Sam's Drive." This area is approximately four miles west of the San Ysidro, California Port of Entry and approximately one quarter mile north of the U.S./ Mexico International Boundary.

At approximately 11:45 A.M., Agent Llamas observed two individuals running north on "Sam's Drive". As Agent Llamas proceeded towards the two individuals, they spotted him and hid in some thick brush. After a brief search of the area, Agent Llamas found the two individuals. Agent Llamas identified himself as a United States Border Patrol Agent and questioned the two individuals as to their country of citizenship and nationality. The two individuals, including one later identified as the defendant **Abigail ALVAREZ-Licea** freely admitted to being citizens and nationals of Mexico without any immigration documentation permitting them to be or remain in the United States legally. The defendant was subsequently arrested and transported along with the other individual to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 27, 2004** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.